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March 7, 2022

VIA E-FILING

The Honorable Julien Xavier Neals, U.S.D.J.
Courtroom MLK 5D
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: D'Costa v. Plaza et al., Docket No. 2:15-cv-05310

Dear Judge Neals:

We represent Plaintiff Kevin D'Costa in the above-referenced matter. We write with the consent of Defendants' counsel to respectfully request that the Court's March 1, 2022 Order of Dismissal ("Dismissal Order") (ECF No. 178) be vacated, and that the parties be afforded thirty (30) additional days to submit agreed upon dismissal papers.

The parties agreed to terms of settlement in November 2021, notified the Court of this agreement, and thereafter finalized settlement papers on December 17, 2021. The parties agreed therein to execute a Stipulation of Dismissal with Prejudice, which would be filed upon Plaintiff's receipt of settlement proceeds. It was anticipated that up to 12 weeks may be required for transmission of settlement proceeds.

On December 30, 2021, the Court entered a 60-Day Order, providing that this matter would be dismissed if the parties did not file dismissal papers or a request to reopen the action within 60 days of the Order. (ECF No. 174). The 60 days elapsed on February 28, 2022, and because the parties had not yet filed the dismissal papers, the Dismissal Order was entered.

We apologize for not submitting an earlier request for an extension of the 60-Day Order, but understand from Defendants' counsel that the settlement payment will be transmitted within the next one to two weeks. To ensure that Plaintiff is not prejudiced in the event that any issue arises in relation to receipt of the settlement payment, we respectfully request that the Dismissal Order be vacated, and that the parties be permitted until April 4, 2022 to submit the agreed upon Stipulation of Dismissal.



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Thank you for the Court's consideration of this matter.

Respectfully submitted,

/s/ Kevin J. Duffy

Kevin J. Duffy

cc: Adam Robert Gibbons, D.A.G. (via email)